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Attorneys for Defendants  
THE WINE LIBRARY, INC., EDWARD GELSMAN, and  
CARL GELSMAN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

RUSSELL H. FRYE, an individual,  
Plaintiff,

v.

THE WINE LIBRARY, INC., a California  
corporation; EDWARD GELSMAN, an  
individual; and CARL GELSMAN, an individual,  
Defendants.

Case No. C-06-5399 SC

**[AMENDED] STIPULATION  
REGARDING HEARING ON  
PLAINTIFF'S MOTION TO  
COMPEL OUTSTANDING  
DISCOVERY; ~~PROPOSED~~  
ORDER**

Department: 1  
Judge: Hon. Samuel Conti

Complaint Filed: August 31, 2006  
Trial Date: January 14, 2008

Pending before the Court, and currently set for hearing on January 4, 2008, is Plaintiff's Motion To Compel Further Discovery.

Pursuant to Local Rule 6-2, the parties agree<sup>1</sup> and seek the Court's approval to shorten the time on which Plaintiff's motion can be heard. The parties request that the Court adopt the following alternative time frame to allow the Motion To Compel to be heard on an expedited schedule:

- **Opposition:** before 6pm on Wednesday, December 5, 2007;
- **Reply:** before noon on Monday, December 10, 2007;
- **Hearing:** Friday, December 14, 2007 at 10:00 a.m.

First, the parties believe that discovery in this matter needs to be handled on an expedited basis to permit them to keep up with case management deadlines. If Plaintiff prevails on any part of the Motion To Compel, Defendants will need to produce additional documents or provide an additional witness for deposition. Compliance with the Court's order will need to occur before trial begins on January 14. Second, neither side would be prejudiced by hearing these motions on the proposed schedule.


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<sup>1</sup> Defendants have stipulated to Plaintiff's request to hear their Motion to Compel pursuant to the above briefing schedule. *See*, Declaration of Oliver Dunlap in Support of Plaintiff's Motion to Compel at ¶12.

1 For the foregoing reasons, the parties respectfully request that the Court set a hearing on  
2 Plaintiff's Motion To Compel Further Discovery on the schedule outlined above. All briefing on the  
3 motions has been filed pursuant to the time limits set forth in the Local Rules. All other deadlines in  
4 the case shall remain unaffected.

5 Dated: November 29, 2007

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6 By:   
7 Oliver Q. Dunlap  
8 Attorneys for Plaintiff  
9 RUSSELL H. FRYE

10 Dated: November 29, 2007

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11 By:   
12 Eric A. Moon

13 Attorneys for Defendants  
14 THE WINE LIBRARY, INC., EDWARD  
15 GELSMAN, and CARL GELSMAN

16 [PROPOSED] ORDER

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18 Dated: November 30, 2007

